

REMARKS/ARGUMENTS

Interview

On April 9, 2008, the Examiner granted an in-person interview to discuss the outstanding Office Action. Granting of interviews is always appreciated. No agreement was sought nor was any agreement reached in this interview as this was just a courtesy call to explain our argument presented below.

35 U.S.C. §103 Rejections

The Office Action has rejected claims 1-13, 21-22 and 24-30 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of U.S. Patent No. 6,990,676 to Proehl et al. (hereinafter "Proehl") in view of the cited portions of U.S. Patent No. 5,530,754 to Garfinkle (hereinafter "Garfinkle"). Applicants believe a combination of Proehl and Garfinkle would not teach or suggest the claimed invention. Specifically, Proehl and/or Garfinkle do not store a first portion of a linearly scheduled program at a user location before detecting a user request for the linearly scheduled program that initiates transmit/receipt of a second portion of the linearly scheduled program as generally required by the claims.

Cited References

Garfinkle is a video on demand (VOD) system that pre-stores a small 2 minute lead-in segment of movies locally. Once viewing is requested, the remainder is requested and spliced together for the purpose of not having any latency in viewing. *Garfinkle*, col. 4, lines 17-23. Proehl has linear programming and stores locally related video like pre-views or trailers. *Proehl*, col. 14, line 67 through col. 15, line 7. The related video is for the program guide and is not used as a lead-in. Neither Garfinkle nor Proehl store lead-ins to linearly scheduled programs and suggestions to the contrary that would make them do so would not be reasonable to one of ordinary skill in the art as discussed below.

Secondary Considerations

In one embodiment, the present invention is able to convert near video on demand (NVOD) systems typically used in satellite TV systems into a VOD experience. NVOD suffers from a waiting period before viewing can begin. Cable companies have relentlessly criticized satellite TV's lack of true VOD in their advertizing. This invention fulfills this long-felt need to allow satellite TV companies to offer a VOD-like product with immediate viewing without significant delay.

Garfinkle/Proehl Combination Doesn't Teach or Suggest Claimed Invention

A combination of Garfinkle and Proehl is proposed in the Office Action. Applicants argue a combination of Garfinkle and Proehl would not even achieve the claimed invention if attempted. TV interfaces keep linear programming segmented from VOD. Navigation of these different services is mutually exclusive in program guides, and any attempt to mix these would be confusing to consumers. A VOD innovation like Garfinkle would not be introduced into the linearly scheduled programming of Proehl. Indeed, the combination of Garfinkle and Proehl would merely result in a TV interface that has low-latency VOD and linearly scheduled program guide preview videos in their separated portions of the program guide. There is no reason why the lead-in VOD technology would be integrated into the linearly scheduled program service that has no latency to begin with. Mixing and matching of some VOD features and some linearly scheduled program features cannot be done without more specific motivation for these minute substitutions.

Stated another way, Applicants believe such a combination is not sufficiently motivated because linearly scheduled programs in Proehl suffer from no latency such that use of Garfinkle's latency reducing lead-in segments solves a problem that doesn't exist in linearly scheduled programs. Linearly scheduled programs are really defined by their uniform lack of real latency such that lead-ins would be antithetical to that type of service.

Summary

It is for at least these reasons that Applicants respectfully request reconsideration of the rejection to the claims.

Appl. No. 09/687,151
Amdt. dated April 17, 2008
Reply to Office Action of December 17, 2007

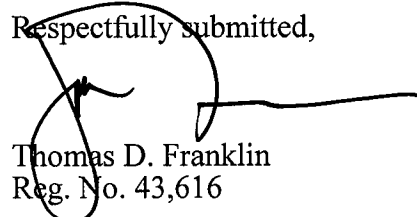
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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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